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LOK SABHA

The following Bill was introduced in Lok Sabha on the 27th August, 1962:—

BILL No. 83 OF 1962

A Bill to empower the Central Government to amend the Sugarcane (Control) Order, 1955 with retrospective effect in respect of certain matters.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. This Act may be called the Sugarcane Control (Additional Short title. Powers) Act, 1962.

10 of 1955. 2. Notwithstanding that no provision has been made in section 3 of the Essential Commodities Act, 1955, for making an order under that section with retrospective effect, the Central Government may, if satisfied that public interest so requires, by order notified in the Official Gazette, amend either prospectively or retrospectively the Sugarcane (Control) Order in respect of any matter for which provision has been made in clause 3A and the Schedule of that Order, and any such amendment may contain such supplemental, incidental and consequential provisions as the Central Government may deem necessary:

15 10 of 1955. Provided that no such order shall be made so as to have retrospective effect from a date earlier than the 1st day of November, 1958.

Explanation.—In this section ‘Sugarcane (Control) Order’ means the Sugarcane (Control) Order, 1955 made under section 3 of the Essential Commodities Act, 1955 by notification of the Government of India in the Ministry of Food and Agriculture, S.R.O. No. 1863 dated the 27th August, 1955 and as amended from time to time.

STATEMENT OF OBJECTS AND REASONS

Under clause 3A of the Sugarcane (Control) Order, 1955 made under the Essential Commodities Act, 1955, producers of sugar are required to pay to growers of sugarcane a price in addition to the minimum price of sugarcane fixed under that Order. This additional payment has to be made in accordance with the formula set out in the Schedule to the Order. Neither the manufacturers of sugar nor the sugarcane growers were satisfied with the formula and representations were received for a re-examination of that formula. The Government accordingly referred the matter to the Tariff Commission and requested them to examine the formula in all its aspects. In its Report submitted to the Government, the Commission suggested a new formula for determining the additional price. This new formula has been examined and it is considered that it would be more appropriate to apply the existing formula after making suitable amendments thereto which are necessitated as a result of the acceptance by the Government of the suggestions of the Commission for inclusion of allowances for rehabilitation and export losses, for adjustment of costs and for sharing of incentives given for increasing the production of sugar. It is intended to make this revised formula effective from the 1st November, 1958 and for this purpose to suitably amend clause 3A and the Schedule of the Sugarcane (Control) Order with retrospective effect. Section 3 of the Essential Commodities Act under which the said Order was made does not enable the Government to make such orders with retrospective effect.

2. In order to achieve this object, it is proposed in the Bill to empower the Central Government to amend the Sugarcane (Control) Order in certain respects with retrospective effect.

NEW DELHI;
The 21st August, 1962.

S. K. PATIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Under section 3 of the Essential Commodities Act, 1955, the Central Government can issue orders in respect of matters specified in that section. That section, however, does not enable the Central Government to make orders with retrospective effect. The Bill proposes to confer power on the Central Government to amend the Sugarcane (Control) Order with retrospective effect in respect of certain matters. The matters in respect of which this power will be exercised are matters of detail. Every order made under the proposed enactment shall be laid before both Houses of Parliament.

The delegation is, therefore, of a normal character.

M. N. KAUL.

Secretary.

